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09/653,595	08/31/2000	Ruth Marie Tritz	25213	4590
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MICHAEL BEST & FRIEDRICH, LLP 100 E WISCONSIN AVENUE MILWAUKEE, WI 53202			SUBRAMANIAN, NARAYANSWAMY	
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/653,595
Filing Date: August 31, 2000
Appellant(s): TRITZ ET AL.

MAILED

MAY 31 2006

GROUP 3600

Julie A. Haut (Reg. No. 51,789)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed on March 22, 2006 appealing from the Office action mailed June 28, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,088,686	WALKER et al	7-2000
6,119,103	BASCH et al	9-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

9. (a) Claims 1-9, 26-32 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al (US Patent 6,088,686) in view of Basch et al (US Patent 6,119,103)

With reference to claims 1, 4, 5, 9, 28, 29 and 40, Walker teaches a method and a computer-readable medium storing computer-readable instructions for automatically evaluating a financial account applicant for a financial institution, comprising the acts of: electronically accessing credit bureau data for the applicant (See Walker Abstract, Column 1 lines 33-40, Column 2 lines 1-21 and Column 3 lines 49-54); electronically accessing account information for the applicant (See Walker Abstract, Column 1 lines 33-40, Column 2 lines 1-21 and Column 3 lines 49-54); electronically generating a score for the applicant (See Walker Abstract, Column 1 lines 33-40, Column 2 lines 1-21 and Column 3 lines 49-54); and determining whether to open the financial account based on the score (See Walker Abstract, Column 1 lines 33-40, Column 2 lines 1-21 and Column 3 lines 49-54). The step of accessing credit bureau data for the applicant is inherent in the disclosure of Walker. The computerized system of Walker implies a computer-readable medium storing computer-readable instructions for performing the steps listed in the claim.

Walker does not explicitly teach the step of generating a score for the applicant based on the credit bureau data and the account information.

Basch teaches the step of generating a score for the applicant based on the credit bureau data and the account information (See Basch Column 5 lines 11-16, 21-29, Column 6 line 64 - Column 8 line 2 and Column 9 lines 24-34). Basch considers credit bureau data (See Basch Column 7 lines 64-66) and account information (See Basch Column 7 lines 15-29) in generating a score. A computer-readable medium storing computer-readable instructions for generating a

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score and the score being a numerical score is inherent in the disclosure of Basch. Considering demographic data including income and home ownership in making decisions is old and well known in the art.

It would have been obvious to one with ordinary skill in the art at the time of the current invention to include these steps to the disclosure of Walker. The combination of the disclosures taken as a whole suggests that Financial Institutions would have benefited from the early warnings about the risks associated with opening an account.

With reference to claims 2, 3, 26 and 27 Walker teaches a method and a computer-readable medium storing computer-readable instructions of claims 1 and 9 respectively, wherein the act of determining whether to open the financial account includes the acts of establishing electronic guidelines for the financial institution and comparing the guidelines against the score to evaluate whether to accept the application and further comprising the acts of establishing electronic guidelines for the financial institution and comparing the guidelines against the score to evaluate whether to offer additional products and services of the financial institution to the applicant (See Walker Column 2 lines 1-38). The steps of establishing electronic guidelines and comparing the guidelines against the score are inherent in the disclosure of Walker.

With reference to claims 6-8 and 30-32 Walker and Basch combined teach a method and a computer-readable medium storing computer-readable instructions of claims 1 and 9 respectively as discussed above.

Walker does not explicitly teach the steps of performing a preliminary database search, denying the applicant if the preliminary database search establishes that the applicant had prior problems with their accounts or obtaining one.

Official notice is taken that the steps of performing a preliminary database search, denying the applicant if the preliminary database search establishes that the applicant had prior problems with their accounts or obtaining one are old and well known in the art. These steps help financial institutions screen applicants who may be bad risk for the financial institution.

It would have been obvious to one with ordinary skill in the art at the time of the current invention to include these steps to the disclosure of Walker. The combination of the disclosures taken as a whole suggests that Financial Institutions would have benefited from early screening of applicants who may be bad risk for the financial institution.

(10) Response to Argument

In response to applicant's argument with respect to claim 1 that "Walker does not teach or suggest, among other things, a computer-implemented method of automatically evaluating a financial account applicant for a financial institution", the examiner disagrees. First of all the phrase "a computer-implemented method of automatically evaluating a financial account applicant for a financial institution" is not positively claimed by the applicant but only recited in the preamble. Hence it is not given patentable weight. Secondly the abstract of Walker makes it abundantly clear that Walker discloses this feature (See Walker abstract "The system automates many steps in the credit appropriately completed.)

In reference to Applicant's arguments that Walker does not teach the act of generating a score for the applicant based on the credit bureau data and the account information, the examiner has admitted this in the last office action. Walker is not relied upon to teach the feature of generating a score for the applicant based on the credit bureau data and the account information. However Basch teaches the step of generating a score for the applicant based on the credit

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bureau data and the account information (See Basch Column 5 lines 11-16, 21-29, Column 6 line 64 - Column 8 line 2 and Column 9 lines 24-34). Basch considers credit bureau data (See Basch Column 7 lines 30-66) and account information (See Basch Column 7 lines 15-29) in generating a score (See Basch Column 9 lines 24-34, predictive model and scores are derived from inputs available to the system). It is amply clear, from the portions of Basch cited above, to one of ordinary skill in the art that the score generated is based on the credit bureau data and the account information. Also the feature of using account information and credit bureau data for making credit decisions like opening an account is old and well known in the lending art. Techniques like multiple discriminant analysis are used which generates a score to classify the application in the accepted or rejected group. These techniques are based on statistical analysis of data and help in making an objective decision about whether to accept or reject an application.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, both Walker and Basch are concerned with providing a financial institution with a tool for analyzing the financial risk of their customers or potential customers (See Walker Column 1 lines 55-67 and Basch Column 3 lines 50-62). Hence it would have been obvious to one with ordinary skill in the art at the time of the current invention to include these steps to the disclosure of Walker. The combination of the disclosures taken as a whole suggests that

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Financial Institutions would have benefited from the early warnings about the risks associated with opening an account. The motivation to combine provided by the examiner would have been obvious to one of ordinary skill in the art. Further the Basch reference also provides a motivation to combine. For instance, Basch in Column 3 lines 33-48 discloses that prediction models, like the ones disclosed help, in minimizing financial losses to the account issuers by providing timely warning to the account issuers and thereby enabling them to protect outstanding credit lines.

In response to applicant's argument about claim 40, Basch teaches the step of generating a score as discussed above. The score is interpreted to include a numerical score. Also a numerical score is old and well known in the credit art. For instance the credit scores of borrowers and applicants is a numerical score.


In response to applicant's argument about claim 9, a computer-readable medium storing computer-readable instructions for generating a score based on the credit bureau data and the account information is inherent in the disclosure of Basch.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Dr. Narayanswamy Subramanian 
Examiner, Art Unit 3624

May 23, 2006

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